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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DAREN A. BROOKS, 03839-055,

Petitioner,

-v-

DECISION AND ORDER  
08-CV-6081L  
90-CR-0147L

WARDEN GUNJA,  
Northeast Ohio Correctional Center,

Respondent.

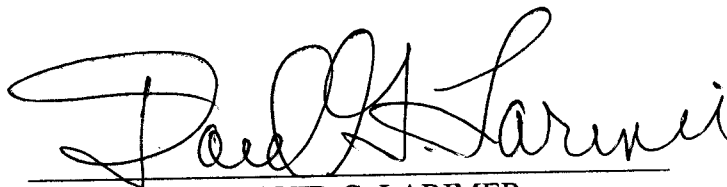
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On February 25, 2008, petitioner, Daren A. Brooks, 03839-055, an inmate of a federal correctional facility, filed a *pro se* motion under 28 U.S.C. § 2255 to vacate, set aside or correct a sentence by a person in federal custody with respect to the judgment of conviction entered on February 25, 2004. This is petitioner's second or successive petition with respect to the same judgment of conviction, which was decided under the criminal docket number 90-cr-00147L. Petitioner's previous § 2255 motion was filed under civil number 93-CV-6009L.

According to 28 U.S.C. § 2255, "a second or successive motion must be certified as provided in § 2244 by a panel of the appropriate court of appeals." The petitioner's motion has not been so certified. Therefore, in the interests of justice and pursuant to 28 U.S.C. § 1631, this motion shall be transferred to the Second Circuit Court of Appeals for a determination of the certification issue. *Liriano v. United States of America*, 95 F.3d 119 (1996).

IT HEREBY IS ORDERED, that the petitioner's § 2255 motion is transferred to the Second Circuit Court of Appeals.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "David G. Larimer", written over a horizontal line.

DAVID G. LARIMER  
United States District Judge

DATED:

2/29, 2008  
Rochester, New York